

C1
cancel
✓

28. (currently amended) The system of claim 40 23 in which said channel is structurally distinct from said receptacles and said recesses, said channel being interengaged with said receptacles respectively through said recesses.

REMARKS

Applicant appreciates the examiner's prior examination of the application. Re-examination and reconsideration are respectfully requested in view of the preceding amendment and the following remarks.

The Examiner has rejected claims 15 and 22 under Section 112 as being indefinite. Claim 15 has been amended to overcome that rejection and claim 22 has been cancelled.

The examiner has continued to reject all of the claims 10-28 under 35 U.S.C. Section 102(b) as being anticipated by Chesney.

Applicant respectfully submits that the claims, as presently amended, plainly set forth a number of critical elements that are not shown in Chesney. These include the following:

Claim 23: a. "a substantially rigid and one-piece, generally U-shaped channel for receiving the beam".

b. "said base comprising an elongate, one-piece element that is substantially rigid and planar".

c. "each side wall comprising an elongate, substantially rigid and substantially planar component, said base and said side walls including respective

interior surfaces that are substantially flat and smooth for conformably receiving and interengaging the elongate beam"; and

d. "a pair of leg accommodating receptacles fixedly and rigidly interconnected to one another through said channel".

Chesney lacks each of the above-recited features. Critically, Chesney does not disclose a one-piece, generally U-shaped channel. The channel alleged by the examiner is actually a pair of pivotably interconnected pieces (jaws). These jaws are not one piece of material and therefore do not constitute a "one-piece" element. The term "one-piece" has been defined by the Federal Circuit as meaning a unit made of one homogeneous piece of material, not including separate but joined elements. See In re Miskinyar 28 USPQ 2d 1789 (Fed Cir 1993).

Because Chesney employs a pivotable construction, the Chesney leg receptacles are not fixedly and rigidly interconnected to one another through the channel as set forth in applicant's claim 23. By the same token, the interior surfaces of the side walls in Chesney are not substantially flat and smooth. Rather, they include projecting jaw teeth that are engaged with the beam when the two-piece channel is pivoted closed.

Applicant's dependent claims include still additional features not disclosed by the cited reference. For example, in claim 18, applicant provides that "said channel and said tubular components include respective longitudinal axes that are oriented at obtuse angles relative to one another". This feature is depicted in FIG. 1. See axes 56 and 58. In contrast, Chesney does not disclose an obtuse (i.e. greater than 90°) angle between the axes of the receptacles and the channel. Rather, in FIGS. 2 and 3, Chesney depicts

a 90° angle between the axis of the jaws and the longitudinal axes of leg sockets 16, 18. Such an angle is clearly not as stable as applicant's obtuse angle. Applicant even discusses the advantages of this angle on pages 9-10 of the specification.

In claim 16, applicant sets forth a pair of substantially aligned notches, each fixedly interengaging the base and a side wall of the channel. In claim 28, applicant provides that the channel is structurally distinct from the receptacles and the recesses. In Chesney, there are simply no structurally distinct notches or recesses whatsoever. The only notches shown in that reference are the beam supporting surfaces of the jaws themselves. Chesney clearly lacks applicant's distinct recesses and resulting stable support. Likewise, the leg receptacles and the channel are not structurally distinct in the reference.

In claim 21, applicant provides that the channel comprises an elongate, one-piece component that extends longitudinally beyond the leg-accommodating receptacle. This feature is likewise lacking from Chesney. In that reference, a part of the channel is formed unitarily at the upper end of each socket. The channel does not extend longitudinally beyond the socket. As a result, the stable, weight-distributing support provided by applicant's elongate channel is not achieved in the reference.

Applicant's unique structure explicitly overcomes problems exhibited by pivoting sawhorse brackets of the type disclosed by Chesney. The cited device exhibits a collapsible, multiple-piece construction, which applicant eliminates. The alleged channel that holds the beam in Chesney is not a fixedly rigid, one-piece elongate component, as applicant discloses and claims. As a result, the cited reference cannot provide the

stable support provided by applicant's invention. See the discussion on pages 1-2 and 9-10 of the specification.

Because Chesney clearly lacks a number of applicant's claimed features, the cited device does not anticipate applicant's invention. A basis of patentability is clearly established. Early and favorable consideration of the amended claims is respectfully requested.

Upon receipt and review of this response, the examiner is respectfully requested to telephone the undersigned at (239) 481-0900.

Date: 10-24-03

Respectfully Submitted,



William E. Noonan
Registration No. 30,668
P. O. Box 07338
Fort Myers, FL 33919

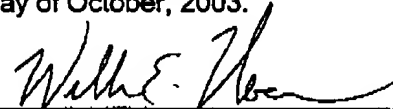
**RECEIVED
CENTRAL FAX CENTER**

OCT 24 2003

OFFICIAL

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to The US Patent & Trademark Office (Fax #703-305-3597) on this 24th day of October, 2003.



William E. Noonan